

DOCKET NO. 3:18-cv-00370-FDW-DSC

Plaintiff,

CRACKER BARREL OLD COUNTRY
STORE, INC. and KELLY BRYANT,

Defendants.

THIS MATTER is before the Court *sua sponte* following the filing of Plaintiff’s Notice of Voluntary Dismissal without Prejudice (Doc. No. 7). Plaintiff, who appears in this case pro se, filed a Notice stating that “Plaintiff, Carlos Jackson in the above referenced case, does hereby dismiss this entire action file no. 3:18-CV-370 without prejudice effective immediately” (Doc. No. 7).


Because Defendants have filed an answer in this case (Doc. No. 6), Plaintiffs cannot voluntarily dismiss their case. Fed. R. Civ. P. 41(a)(1)(A)(i). However, the parties can file a stipulation of dismissal signed by all parties who have appeared, Fed. R. Civ. P. 41(a)(1)(A)(ii), or upon Court order, the case can be dismissed, Fed. R. Civ. P. 41(a)(2).

Therefore, the Court DEEMS Plaintiff's Notice of Voluntary Dismissal a motion to dismiss without prejudice of the above-captioned action against all Defendants and ORDERS Defendants, who have appeared, to respond to Plaintiff's motion to dismiss without prejudice by August 21, 2018 or file a notice of stipulation of dismissal without prejudice of all claims.

The Clerk is respectfully DIRECTED to send a copy of this Order to Plaintiff's address of record.

IT IS SO ORDERED.

Signed: August 13, 2018



Frank D. Whitney
Chief United States District Judge

